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10 Attorneys for Plaintiff  
11 PSI Corporation

12 **IN THE UNITED STATES DISTRICT COURT**  
13 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
14 **OAKLAND BRANCH**

15 PSI CORPORATION (f/k/a/ FRIENDLYWAY  
16 CORPORATION, f/k/a BIOFARM, INC.),

17 Plaintiff,

18 vs.

19 ALEXANDER VON WELCZEK, HENRY LO,  
20 MICHAEL DRAPER, and FRIENDLYWAY  
21 AG,

22 Defendants.

23 FRIENDLYWAY, INC., KARL  
24 JOHANNSMIEIER, PACIFIC CAPSOURCE,  
25 INC., and DERMA PLUS, INC.,

26 Nominal Defendants.

Case No. C 07-02869 SBA

**DECLARATION OF DANIEL D.  
HARSHMAN IN SUPPORT OF  
REQUEST TO ENTER DEFAULT OF  
DEFENDANT MICHAEL DRAPER**

1 I, Daniel D. Harshman, declare as follows:

2 1. I am an attorney licensed to practice before the Courts of the State of  
3 California and before the United States District Court for the Northern District of  
4 California. I am a member of the law firm of Cozen O'Connor, counsel of record for the  
5 Plaintiff PSI Corporation. I have personal knowledge of the facts set forth herein, and if  
6 called as a witness, would and could testify to the truth of the matters set forth.

7 2. Defendant Michael Draper was personally served with a copy of the  
8 Summons and Complaint on July 31, 2007. A true and correct copy of the Proof of  
9 Service is attached to this Declaration as **Exhibit "A"** and is on file with the Court.  
10 [Document No. 48].

11 3. On August 15, 2007, I received a telephone call from Mr. Steven Dillick  
12 who introduced himself as counsel for Mr. Draper. After the telephone call, I sent Mr.  
13 Dillick an e-mail identifying important dates in the case, including the date when Mr.  
14 Draper was served with the summons and complaint. A true and correct copy of my  
15 August 15, 2007 e-mail to S. Dillick is attached to this Declaration as **Exhibit "B."**

16 4. The time allowed by law for defendant Michael Draper to respond to  
17 plaintiff's complaint has expired. Measured from the date of service on July 31, 2007,  
18 twenty days expired on August 20, 2007.

19 5. As of the date of this Declaration, I have not received a responsive  
20 pleading from the Defendant Michael Draper, nor have I received a request from  
21 Michael Draper or his counsel seeking an extension of time to respond to the Plaintiff's  
22 complaint.

23 I declare under penalty of perjury under the laws of the State of California that  
24 the foregoing is true and correct.

25 Executed this 22<sup>nd</sup> day of August, 2007 at San Francisco, California.

26 

27 Daniel D. Harshman

# EXHIBIT “A”

Daniel D. Harshman (SBN 177139)  
COZEN O'CONNOR  
425 California Street, Suite 2400  
San Francisco, California 94104  
Telephone: 415.617.6100  
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Email: dharshman@cozen.com

Attorneys for Plaintiff  
PSI CORPORATION

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

PSI CORPORATION, f/k/a/ FRIENDLYWAY  
CORPORATION, f/k/a BIOFARM, INC.,

Plaintiff,

vs.

ALEXANDER VON WELCZEK, HENRY LO,  
MICHAEL DRAPER, and FRIENDLYWAY AG,

Defendants..

FRIENDLYWAY, INC., KARL JOHANNSMIEIER,  
PACIFIC CAPSOURCE, INC., and DERMAPLUS,  
INC.,

Nominal Defendants.

Case No.: . C 07-02869 SBA

**PROOF OF SERVICE**

**Michael Draper, individually**

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AO 440 (Rev. 8/01) Summons in a Civil Action

**RETURN OF SERVICE**

Service of the Summons and Complaint was made by me<sup>1</sup> DATE JULY 31, 2007  
Name of SERVER MARGO EVASHEVSKI TITLE PRIVATE INVESTIGATOR  
Check one box below to indicate appropriate method of service

- ☒ Served Personally upon the Defendant. Place where served: MICHAEL DRAPER  
1227 37th AVE, SAN FRANCISCO, CA 94122
- ☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.  
Name of person with whom the summons and complaint were left:
- ☐ Returned unexecuted:
- ☐ Other (specify):

**STATEMENT OF SERVICE FEES**

TRAVEL	SERVICES	\$ TOTAL <u>\$375</u>
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**DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on 7/31/07 Margo Evashevski  
Date Signature of Server

479 15TH AVE, SAN FRANCISCO, CA 94118  
Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

# EXHIBIT “B”

**Harshman, Daniel**

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**From:** Harshman, Daniel  
**Sent:** Wednesday, August 15, 2007 3:49 PM  
**To:** 'sdillick@ix.netcom.com'  
**Cc:** Gowen, George M.  
**Subject:** PSI Corp v. friendlyway AG et al. Case no. C 07 02869 SBA

Dear Mr. Dillick:

It was a pleasure speaking with you yesterday regarding your representation of Mr. Draper. As per our discussion, here are a few important dates that you should be aware of in the case:

7-31-07 date of service on M. Draper (individually & as agent for Dermaplus, Inc.)  
8-16-07 Rule 26(f) teleconf among all counsel (11:00 a.m. PST)  
8-26-07 Rule 26(a)(1) disclosures are due as per the court's order  
9-6-07 Telephonic case management conference before Judge Armstrong  
(I'll send you the Case management orders by mail)

I will send you the case management orders previously entered by the court. They will arrive by regular United States Mail.

I do not recall whether you will represent Dermaplus, Inc. in addition to Mr. Draper. Could you please advise whether that is the case?

Dan Harshman  
Cozen O'Connor  
Counsel for PSI Corp.

**PROOF OF SERVICE**

I, the undersigned, declare: I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. I am employed in the County of San Francisco, California, in which county the within mentioned service occurred. My business address is Cozen O'Connor, 425 California Street, Suite 2400, California, CA 94104.

On the date set forth below, I served the foregoing document(s) on the parties, through their attorneys of record, addressed as set forth below:

- **Request to Enter Default Against Defendant Michael Draper;**
- **Declaration of Daniel D. Harshman in Support of Request to Enter Default of Defendant Michael Draper**

☒ **(By First Class Mail)** I caused each such envelope, with first-class postage thereon fully prepaid, to be deposited in the United States mail at San Francisco, California.

☐ **(By Facsimile)** I caused each individual on the attached list to be served via facsimile to the numbers indicated on the attached Service List.

☐ **(By Personal Service)** I caused each such envelope, with courier charges prepaid, if applicable, to be personally delivered by messenger and/or in-house messenger to the offices of each addressee.

☐ **(By Federal Express/UPS)** I caused each such envelope, with shipping charges fully prepaid, to be delivered to a Federal Express/UPS pick up box at San Francisco, California for next business day delivery.

**SEE ATTACHED SERVICE LIST**

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the United States Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare that I am employed in the office of a member of the Bar of this Court at whose direction the service was made. I declare under penalty of perjury under the laws of the United States of America and of the State of California that the foregoing is true and correct.

Executed August 22, 2007, at San Francisco, California.

By: 

Maria J. Uhl



**SERVICE LIST**

Lawrence A. Weiss, Esq.	Attorneys for Defendant
Ryan D. Marsh, Esq.	friendlyway AG
Holly B. Baudler	
Heller Ehrman LLP	<b>Service via E-Filing Program</b>
275 Middlefield Road	
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<a href="mailto:Ryan.Marsh@hellerehrman.com">Ryan.Marsh@hellerehrman.com</a>	
<a href="mailto:Holly.Baudler@hellerehrman.com">Holly.Baudler@hellerehrman.com</a>	
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Brian V. Donnelly, Esq.	Alexander von Welczeck and
Cornestone Law Corp.	Henry Lo
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Facsimile: 415/974-6433	
Carl Lippenberger, Esq.	Attorneys for Nominal Defendant
Lippenberger, Thompson, Welch, Soroko & Gil	Karl Johannsmeier
235 Pine Street, Suite 1300	
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Steven A. Dillick, Esq.	Attorney for Defendant Michael Draper
1 Maritime Plaza, Suite 1040	
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1227 – 37 <sup>th</sup> Avenue	
San Francisco, California 94122	
Pacific Capsource, Inc.	Defendant
1110 Salem Rose Court	
Las Vegas, NV 89144	